

1 **DAVID W. HUSTON, ESQ.**Electronically Filed: April 27, 2007

2 Nevada Bar No. 00855

3 **THE LAW OFFICE OF DAVID W. HUSTON, P.C.**

4 601 South Seventh Street

5 Las Vegas, Nevada 89101

6 702/384-9555

7 702/384-9517 (Fax)

8 **Former Special Counsel for USA Commercial Mortgage Company**9 **UNITED STATES BANKRUPTCY COURT**10 **DISTRICT OF NEVADA**

11 In re:

12 USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

Case No. BK-S-06-10725 LBR

Case No. BK-S-06-10726 LBR

Case No. BK-S-06-10727 LBR

Case No. BK-S-06-10728 LBR

Case No. BK-S-06-10729 LBR

13 In re:

14 USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

Chapter 11

15 In re:

16 USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

Debtor.

**Jointly Administered Under****Case No. BK-S-06-10725 LBR**

17 In re:

18 USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

19 In re:

20 USA SECURITIES, LLC,

Debtor.

**FORMER SPECIAL COUNSEL FOR  
USA COMMERCIAL MORTGAGE  
COMPANY DAVID W. HUSTON'S  
FINAL APPLICATION FOR  
ATTORNEY FEES AND FOR  
REIMBURSEMENT OF COSTS**

21 Affects:

22 ☐ All Debtors23 ☒ USA Commercial Mortgage Company24 ☐ USA Securities, LLC25 ☐ USA Capital Realty Advisors, LLC26 ☐ USA Capital Diversified Trust Deed Fund,  
LLC

27 x USA First Trust Deed Fund, LLC

**Adversary No. 06- 01146**

28 USA COMMERCIAL MORTGAGE COMPANY

Plaintiff,

Hearing Date: June 22, 2007

Hearing Time: 9:30 a.m.

v.

1 RONALD J. WITCO, EXECUTOR OF THE JOHN  
 2 DUTKIN REVOCABLE LIVING TRUST;  
 3 BEVERLY J. STILES, TRUSTEE OF THE  
 4 BEVERLY STILES REVOCABLE TRUST DTD.  
 5 8/10/05; ROBERT J. & RUTH A. KEHL;  
 6 ROCKLIN/REDDING, LLC; RETIREMENT  
 7 ACCOUNTS INC. CUSTODIAN FOR JUDD  
 8 ROBBINS IRA; DANIEL & LAURA DRUBIN;  
 9 GRABLE P. RONNING; GREGORY W. &  
 10 CARRIE M. STIMPSON; CASTULO O.  
 11 MARTINEZ; THE WILD WATER LP; CROSBIE  
 12 B. RONNING; FIRST SAVINGS BANK,  
 13 CUSTODIAN FOR GEORGE J. MOTTO IRA;  
 14 JOHN ROBERT MALLIN JR. & MARIE  
 15 THERESA MALLIN, TRUSTEE MALLIN  
 16 FAMILY TRUST DATED 7-12-99; PHILLIP N. &  
 17 BENITA M. RALSTON, TRUSTEE RALSTON  
 18 FAMILY TRUST DATED 5-16-00; JAMES  
 19 FEENEY, TRUSTEE E&M HARDWARE PROFIT  
 20 SHARING PLAN; JANIS N. ROMO, CUSTODIAN  
 21 FOR MARIO W. ROMO; MARIETTA S. VON  
 22 BERG, TRUSTEE ; ROBERT W. ULM, TRUSTEE,  
 23 ROBERT W. ULM LIVING TRUST DATED 4-11-  
 24 05; PETER A. & FABIOLA A. BOLINO;  
 25 HOWARD CONNELL AND LORENE CONNELL;  
 26 JEAN JACQUES BERTHELOT, TRUSTEE OF  
 27 THE BERTHELOT LIVING TRUST DATED 4-9-  
 28 03; FIRST TRUST CO. OF ONAGA CUSTODIAN  
 FOR KAREN MOBERLY IRA; BETTY  
 KOLSTRUP; WILLIAM P. KENNY AND NANCY  
 J. COSTELLO; GARETH A.R. CRANER,  
 TRUSTEE OF THE GARETH A.R CRANER  
 TRUST DTD. 6-01-02; RONALD G. GARDNER  
 TRUSTEE OF THE RONALD G GARDNER  
 TRUST; GEORGE W. HUBBARD AND CAROL  
 N. HUBBARD; DONALD PINSKER; JEFF P.  
 DILLENBURG AND KAREN A. DILLENBURG;  
 PAUL D. GRAF AND MARGARET A. GRAF;  
 BUNNY VREELAND; SCOTT A. KUSICH; DINA  
 LADD; MARY ANN DEAL; MONIGHETTI, INC.;  
 JOHN G. SCHLICHTING AND ELIZABETH A.  
 SCHLICHTING; DONALD S. TOMLIN AND  
 DOROTHY R. TOMLIN, TRUSTEE OF THE  
 DONALD S. TOMLIN & DOROTHY R. TOMLIN  
 REV. TRUST; MARK L. EAMES AND SANDRA  
 K. EAMES; ROBERT L. OGREN, TRUSTEE FOR

1 THE BENEFIT OF THE ROBERT L. OGREN  
2 TRUST DATE D 6-30-92; JASPER BENINCASA,  
3 JR.; PAT A. DOLCE AND LORA DEAN DOLCE;  
4 DRS. STANLEY ALEXANDER AND FLORENCE  
5 ALEXANDER; M.W. GORTS AND COMPANY;  
6 EDWIN ARNOLD IRA; M. CRAIG MEDOFF  
7 TRUSTEE OF THE MEDOFF FAMILY TRUST  
8 DATED 9-1-88; USA CAPITAL FIRST TRUST  
9 DEED, ALAN A. BENNETT; A MARRIED MAN  
10 DEALING WITH HIS SOLE AND SEPARATE  
11 PROPERTY; PORTER A. HURT, A SINGLE MAN;  
12 PAULIUS MOSINSKIS, A MARRIED MAN  
13 DEALING WITH HIS SOLE AND SEPARATE  
14 PROPERTY,

Defendants.

15 Name of Applicant:

The Law Office of David W. Huston, p.c.

16 Authorized to Provide Professional Services:

As Special Counsel

17 Date of Retention:

July 21, 2006

18 Period for which Compensation and

19 Reimbursement is sought:

July 21, 2006 – April 27, 2007

20 Amount of Fees Requested:

\$71,580.00

21 Amount of Expense Reimbursement requested: \$ 4,581.87

1 Total Compensation requested: \$76,161.87

2  
3 This is an: \_\_\_\_\_ interim  
4  
5 \_\_\_\_\_ X final application.

6 The Law Office of David W. Huston, p.c. ("Applicant"), attorney for the USA  
7 Commercial Mortgage Company (the "Debtor Party"), makes application to this Court for  
8 compensation pursuant to 11 U.S.C. §§ 328, 329, 330, 331 and 503, Fed.R.Bankr.P. 2002 and  
9 2106, and the Guidelines of the United States Department of Justice, Office of the United States  
10 Trustee (the "Guidelines"). This Application seeks allowance and authorization for immediate  
11 payment of Applicant's 251.35 hours of professional services rendered for the period May 18,  
12 2006 to April 27, 2007 (the "Application Period") in the amount of \$71,580.00 (including  
13 \$4,980.00, nunc pro tunc, for the period before being approved as Special Counsel); and  
14 reimbursement for costs expended during the Application Period in the amount of \$4,581.87, for  
15 a total combined fee and cost amount of \$76,161.87.

16 I.

17 NARRATIVE STATEMENT OF SERVICES PERFORMED

18 During the course of its representation of the Debtor Party, Applicant sought  
19 appointment as special counsel to bring an interpleader action regarding rights of counterparties  
20 to funds and interests in trust deeds whose transfers were interrupted by the bankruptcy filings;  
21 drafted and filed the interpleader complaint and the amended interpleader complaint; and  
22 communicated at length with the parties to the litigation and their counsel to facilitate their  
23 understanding of the interpleader and their roles in it, to work with the parties to obtain counsel  
24 and to respond to the pleadings filed by the Debtor Party, and to devise settlement language  
25 where appropriate and acceptable to all parties.

II.

NOTICE

1. A copy of the Application and the Notice of the Application will be served on the United States Trustee at or about the time the Application is filed. Guidelines § 1.1.

2. A copy of the Notice of the Application filed in connection with the Application identifying Applicant and the amounts requested, will be served on the debtor and all identified creditors and parties-in-interest. Fed.R.Bankr.P. 2002(a) and (c)(2).

III.

STATUTORY AUTHORITY FOR RELIEF SOUGHT

11 U.S.C. §§ 328, 330, 331 and 503 govern the award of compensation to officers and professionals.

11 U.S.C. § 328 provides:

**§ 328. Limitation on compensation of professional persons**

(a) The trustee, or a committee appointed under section 1102 of this title, with the court's approval, may employ or authorize the employment of a professional person under section 327 or 1103 of this title, as the case may be, on any reasonable terms and conditions of employment, including on a retainer, on an hourly basis, or on a contingent fee basis. Notwithstanding such terms and conditions, the court may allow compensation different from the compensation provided under such terms and conditions after the conclusion of such employment, if such terms and conditions prove to have been improvident in light of developments not capable of being anticipated at the time of the fixing of such terms and conditions.

(b) If the court has authorized a trustee to serve as an attorney or accountant for the estate under section 327(d) of this title, the court may allow compensation for the trustee's services as such attorney or accountant only to the extent that the trustee performed services as

attorney or accountant for the estate and not for performance of any of the trustee's duties that are generally performed by a trustee without the assistance of an attorney or accountant for the estate.

(c) Except as provided in section 327(c), 327(e) or 1107(b) of this title, the court may deny allowance of compensation for services and reimbursement of expenses of a professional person employed under section 327 or 1103 of this title if, at any time during such professional person's employment under section 327 or 1103 of this title, such professional person is not a disinterested person, or represents or holds an interest adverse to the interest of the estate with respect to the matter on which such professional person is employed.

11 U.S.C. § 330 provides:

**§ 330. Compensation of officers**

(a) (1) After notice to the parties in interest and the United States Trustee and a hearing, and subject to sections 326, 228, and 329, the court may award to a trustee, an examiner, a professional person employed under section 327 or 1103 -

(A) reasonable compensation for actual, necessary services rendered to the trustee, examiner, professional person, or attorney and by any paraprofessional person employed by any such person; and

(B) reimbursement for actual, necessary expenses.

(2) The court may, on its own motion or on the motion of the United States Trustee, the United States Trustee for the District or Region, the trustee for the estate, or any other party in interest, award compensation that is less than the amount of compensation that is requested.

(3)(A)\* In determining the amount of reasonable compensation to be awarded, the court shall consider the nature, the extent, and the

1 value of such services, taking into account all relevant factors,  
2 including –

- 3 (A) the time spent on such services;  
4 (B) the rates charged for such services;  
5 (C) whether the services were necessary to the  
6 administration of, or beneficial at the time at which the  
7 services was rendered toward the completion of, a case  
8 under this title;  
9 (D) whether the services were performed within a  
10 reasonable amount of time commensurate with the  
11 complexity, importance, and nature of the problem,  
12 issue, or task addressed; and  
13 (E) whether the compensation is reasonable based on  
14 the customary compensation charged by comparably  
15 skilled practitioners in cases other than cases under this  
16 title.

17 *\*So in original*

18 (4) (A) Except as provided in subparagraph (B), the court shall  
19 not allow compensation for -

- 20 (i) unnecessary duplication of  
21 services; or  
22 (ii) services that were not -  
23 (I) reasonably likely to benefit the debtor's estate; or  
24 (II) necessary to the administration of the case.

25 . . . .

26 (5) The court shall reduce the amount of compensation  
27 awarded under this section by the amount of any interim  
28 compensation awarded under section 331, and, if the amount of such

interim compensation exceeds the amount of compensation awarded under this section, may order the return of the excess to the estate.

(6) Any compensation awarded for the preparation of a fee application shall be based on the level and skill reasonably required to prepare the application.

11 U.S.C. § 331 provides:

**§ 331. Interim compensation**

A trustee, an examiner, a debtor's attorney, or any professional person employed under section 327 or 1103 of this title may apply to the court not more than once every 120 days after an order for relief in a case under this title, or more often if the court permits, for such compensation for services rendered before the date of such an application or reimbursement for expenses incurred before such date as is provided under section 330 of this title. After notice and a hearing, the court may allow and disburse to such applicant such compensation or reimbursement.

11 U.S.C. § 503 provides in relevant part:

**§ 503. Allowance of administrative expenses**

(a) An entity may timely file a request for payment of an administrative expense, or may tardily file such request if permitted by the court for cause.

(b) After notice and a hearing, there shall be allowed administrative expenses, other than claims allowed under section 502(f) of this title, including –

(1)(A) the actual, necessary costs and expenses of preserving the estate, including wages, salaries, or commissions for services rendered after the commencement of the case;

(B) any tax -

(i) incurred by the estate, except a tax of a kind specified in section 507(a)(8) of this title, or

(ii) attributable to an excessive allowance of a tentative carryback adjustment that the estate received, whether the taxable year to which such adjustment related ended before or after the commencement of the case; and

(C) any fine, penalty, or reduction in credit relating to a tax of a kind specified in subparagraph (B) of this paragraph;

(2) compensation and reimbursement awarded under section 330(a) of this title;

(3) the actual, necessary expenses, other than compensation and reimbursement specified in paragraph (4) of this subsection, incurred by -

(A) a creditor that files a petition under section 303 of this title;

(B) a creditor that recovers, after the court's approval, for the benefit of the estate any property transferred or concealed by the debtor;

(C) a creditor in connection with the prosecution of a criminal offense relating to the case or to the business or property of the debtor;

(D) a creditor, an indenture trustee, an equity security holder, or a committee representing creditors or equity

1 security holders other than a committee appointed under  
 2 section 1102 of this title, in making a substantial contribution  
 3 in a case under chapter 9 or 11 of this title;

4 (E) a custodian superseded under section 543 of this  
 5 title, and compensation for the services of such custodian; or

6 (F) a member of a committee appointed under section  
 7 1102 of this title, if such expenses are incurred in the  
 8 performance of the duties of such committee;

9 (4) reasonable compensation for professional services  
 10 rendered by an attorney or an accountant of an entity whose  
 11 expense is allowable under paragraph (3) of this subsection,  
 12 based on the time, the nature, the extent, and the value of  
 13 such services, and the cost of comparable services other than  
 14 in a case under this title, and reimbursement for actual,  
 15 necessary expenses incurred by such attorney or accountant;

16 (5) reasonable compensation for services rendered by an  
 17 indenture trustee in making a substantial contribution in a  
 18 case under chapter 9 or 11 of this title, based on the time, the  
 19 nature, the extent, and the value of such services, and the  
 20 cost of comparable services other than in a case under this  
 21 title; and

22 (6) the fees and mileage payable under chapter 119 of title 28.

#### 23 IV.

#### 24 DATE, TERMS AND CONDITIONS OF

#### 25 EMPLOYMENT OF APPLICANT

26 1. Applicant was retained as counsel for the Debtor Party under a general retainer by  
 27 an Order of this Court entered on July 21, 2006.

2. The terms and conditions of the Applicant's employment were that Applicant was to render services to the Debtor Party in the filing of the interpleader complaint as deemed necessary on an hourly basis, with any award of compensation subject to the Bankruptcy Code, the Court, and any party-in-interest. In addition, the Applicant was subsequently tasked with representing the Debtor Party in litigation between the Debtor Party as Plaintiff and Wells Fargo Bank/James Feeney as Defendants seeking to recover monies paid to Mr. Feeney by Wells Fargo Bank post-Petition. Applicant's services and expenses in relation to this task were largely limited to drafting an opposition to Defendant Wells Fargo's Motion for Summary Judgment.

3. Notwithstanding such terms and conditions, the Court may allow compensation to Applicant on terms and conditions different than as described above, if the original terms and conditions prove to have been improvident in light of developments not capable of being anticipated at the time of Applicant's employment. 11 U.S.C. § 328(a).

#### V.

#### AMOUNT OF COMPENSATION SOUGHT TO BE ALLOWED AND APPROVED

This Application seeks allowance and payment of compensation for attorneys' fees and legal assistant fees in the amount of \$71,580.00 and reimbursement for expenses in the amount of \$4,581.87. Thus, the total amount Applicant seeks to have the Court allow and seeks to be paid by the Debtor is \$76,161.87.

#### VI.

#### SUMMARY OF SERVICES RENDERED, HOURLY RATES AND EXPENSES INCURRED

1. On April 13, 2006 the Debtors filed voluntary cases under Chapter 11 of the Bankruptcy Code.

2. The services rendered by Applicant are set forth in **Exhibit 1** which includes a detailed list of all time for which compensation is sought, including the date the services were rendered, the person performing the services, the nature of the services performed and the time spent on each service. Fed.R.Bankr.P. 2016(a).

3. The expenses that have been incurred to date by Applicant are itemized on Exhibit 1 and there are no unusual or costly expenses that have been incurred. For copies, Applicant has charged twenty-five cents per page. Applicant estimates that the rate it charges for copies will be the actual and necessary expenses incurred.

4. Applicant has charged its customary hourly rates for services rendered for which compensation is sought in this Application. Applicant's hourly rates are comparable to those charged by other professional persons with similar levels of expertise in the Las Vegas, Nevada area. The following table summarizes the hourly rates charged by Applicant and the number of hours billed by each professional for whom compensation is sought in this Application.

ATTORNEY OR LEGAL ASSISTANT	HOURLY RATE	APPLICATION HOURS	TOTAL FEES
David W. Huston	\$300.00	234.35	\$70,305.00
Susan E. Waits	\$ 75.00	17	\$ 1,275.00
<b>Total</b>		<b>251.35</b>	<b>\$71,580.00</b>
<b>Blended Rate</b>			<b>\$ 284.79</b>

5. Applicant has not been employed on a contingency basis and Applicant is aware that the fees charged by Applicant are subject to allowance at the discretion of the Court.

6. From May 18, 2006 to October 31, 2006, Applicant has rendered services with respect to the following matters:

**Task 1.** Work related to understanding the factual and legal aspects of the overall case, the make up of the parties and the Committees representing disparate interests in the overall proceedings and insuring that Applicant fully complies with all conflicts laws to insure that Applicant is eligible to serve as conflicts counsel. Time was incurred in attending key two key hearings and participating in telephone calls and other communications and in meetings with the Committees and parties in interest.

**Task 2.** Work related to appointment as special counsel to draft and file the interpleader complaint regarding counterparty transactions that were interdicted by the

1 bankruptcy filings. Time was incurred in drafting and finalizing the application, order and  
2 declaration related to employment as special counsel and participating in telephone calls and  
3 other communications with the Committees and parties in interest.

4 **Task 3.** Work related to drafting and filing the interpleader complaint and the  
5 amended interpleader complaint and a motion for reimbursement by interpleader parties of client  
6 for attorneys' fees and costs.

7 **Task 4.** Work related to and involving communications with all of the various  
8 parties to the interpleader complaint and their counsel, and review of information regarding the  
9 application of Nevada law to the interpleader issues and the facts and circumstances surrounding  
10 each of the contested matters within the Interpleader.

11 **Task 5.** Work related to reviewing the factual and legal circumstances and drafting  
12 a response to the Motion for Summary Judgment filed by Wells Fargo Bank in response to the  
13 Debtor's Complaint.

14 **Task 6.** Work related to continuing contacts by interpleader parties following the  
15 hearing regarding the motion for reimbursement of fees and costs, to obtain a finalized order  
16 regarding the motion for reimbursement of fees and costs, and filing a second motion for  
17 reimbursement of additional fees and costs. Also, preliminarily to respond to motions for  
18 contempt filed by interpleader parties, and objections to second motion for fees and costs filed by  
19 third party and by client, and withdrawal of second motion, and withdrawal as USACMC's  
20 counsel.

## 21 VII.

### 22 EXPERTISE REQUIRED

23 Applicant is skilled in insolvency proceedings and has special knowledge which enables  
24 Applicant to perform services of benefit to the Debtor Party and to the creditors of the  
25 bankruptcy estate. Applicant currently has three attorneys who work primarily in the areas of  
26 bankruptcy, reorganization, and insolvency, one of which has thirty years experience, and one  
27 who has 15 years of experience in these areas. The member of the Firm, the Law Office of  
28 David W. Huston, is certified in business bankruptcy law by the American Board of

1 Certification.

2 Applicant has represented numerous committees, debtors, creditors, trustees and parties-  
3 in-interest in bankruptcy cases. Applicant is therefore particularly skilled, knowledgeable, and  
4 experienced in the representation of parties in bankruptcy cases and with the issues that may  
5 arise and are to be considered.

6 **VIII.**

7 **PRIOR APPLICATIONS AND ORDERS FOR COMPENSATION**

- 8 1. The Applicant has made no previous request for compensation.

9 **IX.**

10 **AVAILABILITY OF FUNDS**

11 Pursuant to the Order To Establish A Segregated Professional Account And Payment Of  
12 Chief Restructuring Officer In the Ordinary Course Of Business entered herein on July 15, 2006,  
13 requiring the segregation of funds to pay professionals there are sufficient funds available to pay  
14 the Applicant.

15 **X.**

16 **PAYMENTS MADE OR PROMISED AND LACK OF**

17 **AGREEMENT TO SHARE COMPENSATION**

18 1. All services for which compensation is requested were performed for, or on  
19 behalf of, the Debtor Party.

20 2. No compensation received by Applicant will be shared and no agreement or  
21 understanding exists between Applicant and any other entity for the sharing of compensation to  
22 be received for services rendered in connection with this case. Fed.R.Bankr.P. 2016.

23 Wherefore, Applicant requests the Court to approve legal fees in the amount of  
24 \$71,580.00 for the period May 18, 2006 to April 27, 2007, and reimbursement for costs incurred  
25 of \$4,581.87, for a total requested of \$76,161.87 and to authorize and direct the Debtor to pay the

26 ...

27 ...

28 ...



fees and costs allowed the Law Office of David W. Huston, P.C.

DATED this 27<sup>th</sup> day of April, 2007.

By: /s/David W. Huston

**DAVID W. HUSTON, ESQ.**

The Law Office of David W. Huston, p.c.

Nevada Bar No. 00855

601 South Seventh Street, 2<sup>nd</sup> Floor

Las Vegas, Nevada 89101

Former Special Counsel for USA Commercial  
Mortgage Company

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of The Law Office of David W. Huston, p.c., and that on April 27, 2007, I did deposit in the United States Post Office at Las Vegas, Nevada, via first-class mail, in a sealed envelope with postage fully pre-paid thereon, a true and correct copy of the *Former Special Counsel for USA Commercial Mortgage Company David W. Huston's Final Application for Attorney Fees and for Reimbursement of Costs* to the following:

/s/ Susan E. McColl

SUSAN E. MC COLL, an employee of The Law  
Office of David W. Huston, p.c.

John Dutkin, Trustee  
4635 Rose Drive  
Emmaus, PA 18049

Beverly J. Stiles, Trust  
P.O. Box 1507  
Albany, OR 97321

Robert J. & Ruth A. Kehl  
4963 Mesa Capella Drive  
Las Vegas, Nevada 89148

Rocklin/Redding LLC  
c/o Frank Snopko  
278 Sussex Street  
Carson City, Nevada 89702



Retirement Accounts Inc. Custodian For  
Judd Robbins IRA  
1340 Anderson Creek Rd.  
Talent, OR 97540

Daniel & Laura Drubin  
1363 West Stony Run Place  
Oro Valley, Arizona 85755

Grable P. Ronning  
P.O. Box 7804  
Incline Village, NV 89452

Gregory W. & Carrie M. Stimpson  
2665 Firenze Dr.  
Sparks, NV 89434

Castulo O. Martinez  
2208 Hot Oak Ridge  
Las Vegas, NV 89134

The Wild Water LP  
c/o Grable Ronning  
P.O. Box 9288  
Incline Village, NV 89452

Crosbie B. Ronning  
P.O. Box 7804  
Incline Village, NV 89452

First Saving Bank C/F George J. Motto IRA  
17212 Spates Hill Rd.  
Poolesville, MD 20837

John Robert Mallin Jr. & Marie Theresa  
Mallin, Trustee Mallin Family Trust Dated  
7-12-99  
9809 Pinnacle Pass Dr.  
Las Vegas, NV 89117

Phillip N & Benita M. Ralston, Trustee  
Ralston Family Trust Dated 5-16-00  
28 Hassayampa Tr.  
Henderson, NV 89052

James Feeney, Trustee E&M Hardware  
Profit Sharing Plan  
P.O. Box 19122  
Reno, NV 89511

Janis N. Romo C/F Mario W. Romo  
P.O. Box 50522  
Henderson, NV 89016

Marietta S. Von Berg, Trustee  
24622 Rimrock Cyn Rd.  
Salinas, CA 93908

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Robert W. Ulm, Trustee Robert W. Ulm  
Living Trust Dated 4-11-05  
414 Morning Glory  
St. Marys, GA 31558

Peter A. & Fabiola A. Bolino  
17412 Serene Dr.  
Morgan Hill, CA 95037

Howard Connell and Lorene Connell  
1001 Jennis Silver St.  
Las Vegas, NV 89145

Jean Jacques Berthelot Trustee of the  
Berthelot Living Trust dated 4-9-03  
9328 Sienna Vista Dr.  
Las Vegas, NV 89117

First Trust Co of Onaga C/F Karen Moberly  
IRA  
420 Warren Ter.  
Hinsdale, IL 60521

Betty Kolstrup  
1830 Balboa Dr.  
Reno, NV 89503

William P Kenny and Nancy J. Costello  
P.O. Box 4242  
Truckee, CA 96160

Gareth AR Craner Trustee of the Gareth  
A. R Craner Trust dated 6-1-02  
P.O. Box 1284  
Minden, NV 89423

George W. Hubbard and Carol N Hubbard  
6340 N. Calle Tregua Serena  
Tucson, AZ 85750

Donald Pinsker  
8650 W. Verde Way  
Las Vegas, NV 89149

Jeff P Dillenburg and Karen A.  
Dillenburg and Paul D  
05135 Forbes Drive  
Geneva, IL 60134

Paul Graf and Margaret A. Graf  
2530 Great Highway  
San Francisco, California 94116

Bunny Vreeland  
2334 Eagle Creek Lane  
Oxnard, CA 93036

Scott A. Kusich  
2720 Preston Ct.  
Mountain View, California 94040

1 Dina Ladd  
2 355 Mogul Mountain Dr.  
3 Reno, NV 89523  
4

Mary Ann Deal  
1813 N. California St.  
Burbank, CA 91505

5 Monighetti, Inc  
6 Pete Monighetti  
7 6515 Frankie Lane  
8 Prunedale, CA 93907  
9

John G. Schlichting and Elizabeth A.  
Schlichting  
10653 Edaemont Pl.  
Highland Ranch, CO 80129

10 Donald S. Tomlin and Dorothy R. Tomlin,  
11 Trustee of the Donald S. Tomlin &  
12 Dorothy R. Tomlin Rev. Trust  
13 7145 Beverly Glen Avenue  
14 Las Vegas, NV 89110

Mark L. Eames and Sandra K Eames  
7849 S. Valentia St.  
Centennial, CO 80112

15 Robert L. Ogren Trustee for the benefit of  
16 the Robert L. Ogren Trust dated 6-30-92  
17 3768 Rick Stratton Drive  
18 Las Vegas, NV 89120

Jasper Benincasa JR  
9359 Roping Cowboy Ave  
Las Vegas, NV 89178

19 Pat A. Dolce and Lora Dean Dolce  
20 4410 W. Jefferson Blvd.  
21 Los Angeles, CA 90016

Drs Stanley Alexander and Florence  
Alexander  
812 Sweetwater Club Blvd.  
Longwood, FL 32779

22 Edwin Arnold  
23 20170 Redwood Dr.  
24 Forest Hills, CA 95631

M.W. Gorts & Company  
7820 Emerald Harbor Court  
Las Vegas, Nevada 89128

25 M Craig Medoff Trustee of the Medoff  
26 Family Trust dated 9-1-88  
27 3110 Larkwood Ct.  
28 Fallbrook, CA 92028

Eve H. Karasick, Esq.  
Christine Pajack, Esq.  
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